Center for Immigration Studies

Backgrounder

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Remaking the Political Landscape

The Impact of Illegal and Legal Immigration on Congressional Apportionment

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The United States is currently experiencing the largest wave of immigration in its history. By the end of the 1990s, at least 1.5 million legal and illegal immigrants were arriving each year, leading to a total foreign-born population of over 31 million by 2000. A little noticed effect is the way in which immigration impacts the distribution of seats in the U.S. House of Representatives. Apportionment is based on each state's total population — including illegal aliens and other non-citizens — relative to the rest of the country. This report examines the redistribution of seats caused by immigration. To measure the specific impact of illegal immigration we rely on state estimates prepared by the Immigration and Naturalization Service (INS), which indicate that almost seven million illegal aliens were counted in the 2000 Census. The report shows that many low-immigration states that might seem unaffected by immigration are in fact experiencing a significant erosion of their political influence in Washington.

Among the report's findings:

- The presence of illegal aliens in other states caused Indiana, Michigan, and Mississippi to each lose one seat in the House in 2000, while Montana failed to gain a seat it otherwise would have.
- Illegal immigration not only redistributes seats in the House, it has the same effect on presidential elections because the Electoral College is based on the size of congressional delegations.
- The presence of all non-citizens in the Census redistributed a total of nine seats. The term "non-citizens" includes illegal aliens, legal immigrants, and temporary visitors, mainly foreign students and guest workers. In addition to the four states that lost a seat due to the presence of illegal aliens, Oklahoma, Pennsylvania, Wisconsin, Kentucky, and Utah each had one fewer seat than they otherwise would have.
- None of the states that lost a seat due to non-citizens is declining in population. The population of the four states that lost seats due to illegal immigration increased 1.6 million in the 1990s, while the population of the five states that lost seats because of other non-citizens grew by two million.
- Immigrant-induced reapportionment is different from reapportionment caused when natives relocate to other states. Immigration takes away representation from states composed almost entirely of U.S. citizens and results in the creation of new districts in states with large numbers of non-citizens.
- In the nine states that lost a seat due to the presence of non-citizens, only one in 50 residents is a non-citizen. In contrast, one in seven residents is a non-citizen in California, which picked up six of these seats. One in 10 residents is a non-citizen in New York, Texas, and Florida, the states that gained the other three seats.
- The numbers are even larger in some districts — 43 percent of the population in California's immigrant-heavy 31st district is made up of non-citizens, while in the 34th district, 38 percent are non-citizens. In Florida's 21st district, 28 percent of the population is non-citizen, and in New York's 12th district the number is 23 percent.
- The large number of non-citizens creates a tension with the principle of "one man, one vote" because it takes so few votes to win these immigrant-heavy districts. In 2002, it took almost 100,000 votes to win the typical congressional race in the four states that lost a seat due to illegal aliens, while it took fewer than 35,000 votes to win the 34th and 31st districts of California.
- Although the number of naturalizations increased in the 1990s, the number of non-citizens still increased dramatically to 18.5 million in 2000, up from 11.8 million in 1990 and seven million in 1980.

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- The political stakes for low-immigration states are enormous. The presence of all foreign-born persons in 2000 (naturalized citizens, non-citizens, and illegal aliens) redistributed 16 seats, up from 12 seats in 1990.

The political costs to American citizens are clearly something to consider when debating immigration policy. To measure the political effect of immigration, we removed illegals, non-citizens, or the entire foreign-born population from each state's population and then recalculated the allocation of seats in the U.S. House of Representatives. Immigration redistributes seats because the foreign-born population is so large and so concentrated — two-thirds live in just six states. While some may be tempted to suggest excluding illegals or other non-citizens from apportionment, doing so is administratively impractical and would likely encounter fierce opposition from high-immigration states. It would also require years of litigation to determine its constitutionality. Alternatively, enforcing immigration law and reducing legal immigration would significantly lessen the problem of U.S. citizens losing political representation.

Another way to at least partly address the problem would be to encourage legal immigrants to naturalize. This of course would not correct the problem of illegal aliens, nor would it change the basic fact that low-immigration states are losing political power. In addition, as long as one million or more legal immigrants are allowed in each year, the non-citizen population will continue to be very large, even if all legal immigrants were to naturalize upon reaching the five-year time requirement.

Apportioning Seats

Article 1 Section 2 of the U.S. Constitution mandates that a census be taken every 10 years expressly for the purpose of apportioning seats in the House of Representatives. However, the Constitution does not specify the method for apportionment, or how the population to be apportioned should be composed. Several different methods have been used since our country's first apportionment in 1790. The method of Equal Proportions has been used since 1940, and in the 2000 reapportionment.

The apportionment population of a state is defined to include a state's resident population plus all the state's military and civilian personnel of the federal government and their dependents who are abroad on April 1 of the census year. The resident population is comprised of all persons counted in the census, including those legal immigrants (citizen and non-citizen) and illegal aliens who either mail their Census form back or whose presence in the United States was recorded by a Census Bureau employee in an interview. A person is considered to be a state resident if he or she meets the Census' definition of "usual residence" (i.e., he or she has "no other permanent place to stay" or lives in a particular location "most of the time"). The inclusion of illegal aliens is probably the most controversial part of the apportionment population.

In 1979, the Federation for American Immigration Reform (FAIR) sued to enjoin the Census Bureau from counting illegals in the decennial census of 1980 (FAIR v. Klutznick, 486 F. Supp. 564, D.D.C. 1980). The case was ultimately dismissed by the Supreme Court on the grounds of lack of standing. In 1988, a similar suit filed by FAIR, 40 members of Congress, and the Commonwealth of Pennsylvania was also dismissed. As a result, the constitutionality of excluding illegal immigrants from the apportionment has yet to be decided by a court of law. All persons residing in the United States who are counted in the 2000 Census, including those here illegally, were used to calculate the apportionment of seats in the House. Congress may have the authority to change this, but has so far not done so.

The reapportionment of House seats is, of course, a zero sum proposition; that is, each state's gain is another state's loss. At the present time, there are 435 voting members in the House of Representatives, the number having remained unchanged since 1911 when Congress voted to fix the number. While the number of seats could be increased by Congress (the Constitution does not specify the size of the House), a strong institutional norm has developed against any further increase. Thus, every 10 years the 435 seats have to be reapportioned among the states. Of course, even if Congress were to add additional seats, the distribution of the seats would still proportionally reflect the impact of immigration.

Methodology

To determine the redistribution of House seats in 2000 caused by immigration, we use the results from the 2000 Census. Data for the foreign-born population come from the Census "long form," which includes detailed questions on such things as income, place of birth, and citizenship. Approximately one in six households receives this form, the results of which are then weighted by the Census Bureau to reflect the total population. The long form is considered the most accurate source of information on the nation's foreign-born population — both naturalized citizens and non-citizens. To estimate the size of the illegal alien population, we use research conducted by the INS indicating that 6.6 million illegal aliens were counted in the 2000 Census. Although the INS published a report in January 2003 indicating that the total illegal alien population stood at seven million at the beginning of 2000, not all of these individuals were captured by the Census.[1]

To estimate the impact of immigration on apportionment in 2000, three separate population scenarios are used. The first excludes the illegal alien population from each state's Census count; the second excludes all non-citizens (illegal aliens, lawful permanent residents, and long-term temporary visitors); the third scenario excludes all of the foreign born, including naturalized U.S. citizens. In each case, once the target population was removed we then recalculated the distribution of House seats that would result. By doing so, we may then determine the impact of immigration on the size of each state's delegation in the House of Representatives. Table 4 (p. 6) at the end of this report shows the apportionment population and the illegal, non-citizen, and total foreign-born populations by state in 2000.

Apportionment itself is a straightforward process. After each state is allocated one seat as mandated by the Constitution, the remaining 385 seats are distributed based on the share of the

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nation's total population that each state represents. The District of Columbia's population is not included in this calculation. Under the system of equal proportions, any fraction of a seat is roughly rounded up to the next highest value.

Findings

Impact of Illegal Aliens. Table 1 shows which states gain and which states lose when illegal aliens are taken out of the 2000 Census counts. The table shows that four states each had one fewer seat because of the presence of illegal immigrants. Indiana, Michigan, and Mississippi each lost one seat in the House, and Montana failed to gain a seat it otherwise would have gained because of the inclusion of illegal aliens in the 2000 Census. California picked up three seats because of illegal aliens and, surprisingly, North Carolina also gained an extra seat. Although the INS estimates that North Carolina is home to only 3 percent of the nation's total illegal population, the state was right on the threshold of gaining an additional seat; the presence of nearly 200,000 illegal aliens allowed it to be awarded an additional seat.

Table 1. House Seats Redistributed Due to Illegal Aliens (2000)

State	Number of Seats
Indiana	-1
Michigan	-1
Mississippi	-1
Montana	-1
California	+3
North Carolina	+1
Total	**4**

It must be remembered that illegal immigration redistributes seats because there are many illegal aliens (almost seven million according to the Census) and because they are very concentrated, with one out of two living in just three states, according to the INS. The redistribution of four seats is significant politically: In 2000, a total of 12 seats changed hands; thus the effects of illegal aliens are equal to about one-third of the total change. It would not, however, be entirely correct to say that illegal immigration was responsible for four of the 12 seats that changed hands. It is true that the loss of seats experienced in Indiana, Michigan, and Mississippi was caused by the presence of illegal aliens in other states. The case of Montana, however, is somewhat different because it did not lose a seat it already had — it failed to gain a seat it would otherwise have gained. Therefore, it would be more accurate to say that the impact of illegal immigration is significant when compared to the overall reapportionment that did, in fact, occur.

For the specific states involved, the impact of illegal immigration is substantial. Had Montana received another seat it would have doubled its representation in the House. The one seat lost by Mississippi represented one-fifth of its congressional delegation, and for Indiana the one seat lost was one-tenth of its representation. Although Michigan had 16 seats, the reduction of its delegation to 15 seats is certainly not trivial. Political influence in Washington is partly dependent on the size of the state's delegation in the House. Thus, there is no question that the presence of illegal aliens in other states significantly reduced the political influence of these four states. Illegal immigration also has a significant effect on presidential elections because the Electoral College is based on the size of congressional delegations.

> In 2000, half of all non-citizens lived in just three states, and almost 70 percent lived in just six states.

Impact of All Non-Citizens in 2000. The Census long form specifically asks respondents whether or not they are U.S. citizens. The 2000 Census counted a total of 18.5 million non-citizens, with roughly seven million estimated to be illegal aliens. About one million are thought to be persons on long-term temporary visas such as foreign students, guest workers, and other exchange visitors, and the rest are legal permanent residents (also called green card holders).[2] Some of those with green cards are eligible for citizenship but have chosen not to naturalize, while others are not yet eligible for naturalization because they have not lived in the country long enough. Like illegal aliens, non-citizens are concentrated in a few states. In 2000, half of all non-citizens lived in just three states, and almost 70 percent lived in just six states.

Table 2 shows the states that lost and gained seats due to the presence of non-citizens. The table shows that in addition to the four states that lost seats because of illegal immigration, Oklahoma, Pennsylvania, and Wisconsin each lost a seat, while Kentucky and Utah failed to gain a seat they otherwise would have but for the inclusion of non-citizens in the Census. These results are consistent with prior research.[3] Interestingly, North Carolina no longer gains an additional seat when all non-citizens are excluded. This may seem strange because the state gained a seat when only the effects of illegals are considered. However, relatively modest changes in population can sometimes affect the number of seats a state is given if that state is on the threshold of gaining or losing a seat, as was the case with North Carolina. The results in Table 2 make clear that the more than 18 million non-citizens counted in the Census had a very significant impact on the distribution of seats in the House. Since a total of 12 seats changed hands in 2000, the nine seats redistributed by all non-citizens is equal to two-thirds of the total change. Again, it would not be entirely correct to say that non-citizens were

Table 2. House Seats Redistributed Due to All Non-Citizens (2000)

State	Number of Seats
Indiana	-1
Kentucky	-1
Michigan	-1
Mississippi	-1
Montana	-1
Oklahoma	-1
Pennsylvania	-1
Utah	-1
Wisconsin	-1
California	+6
Florida	+1
New York	+1
Texas	+1
Total	**9**

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responsible for nine of the 12 seats that changed hands in 2000 because Utah, Kentucky, and Montana failed to gain seats they otherwise would have gained rather than losing a seat they already had. It should also be pointed out that many non-citizens counted in the 2000 Census arrived prior to the 1990s. But by comparing the impact of non-citizens to the actual reapportionment that took place in 2000, we can see that the impact of non-citizens is very large. It would be fair to say that much of the redistribution that occured in 2000 was due to the presence of non-citizens.

Impact of Entire Foreign Born in 2000. To understand the full impact of immigration, we exclude the entire foreign-born population from the Census and then recalculate the distribution of House seats. The Census Bureau defines the foreign born as those persons born outside of the United States who were not U.S. citizens at birth. This includes naturalized American citizens, legal permanent residents (green card holders), illegal aliens, and those on long-term temporary visas. The 2000 Census found 31.1 million foreign-born individuals in the country. As is the case with illegal aliens and non-citizens, the overall foreign-born population is very concentrated. In 2000, almost two-thirds lived in just five states. Table 3 reports the effects of the entire foreign-born population.

Table 3. House Seats Redistributed Due to Total Foreign-Born Population

	Reapportionment by Year	
State	**2000**	**1990**
Alabama	-1	-1
Arkansas	-1	n/a
Georgia	n/a	-1
Indiana	-1	n/a
Kansas	n/a	-1
Kentucky	-1	-1
Louisiana	-1	-1
Maryland	n/a	-1
Michigan	-1	-1
Mississippi	-1	n/a
Missouri	n/a	-1
Montana	-1	-1
Ohio	-1	-1
Oklahoma	-1	n/a
Pennsylvania	-2	-1
South Carolina	-1	-1
Tennessee	-1	n/a
Utah	-1	n/a
Wisconsin	-1	n/a
California	+9	+8
Florida	+2	+1
New Jersey	+1	n/a
New York	+3	+2
Texas	+1	+1
Total	**16**	**12**

Table 3 shows that the effect of immigration is truly enormous. The presence of foreign born-individuals caused the redistribution of 16 seats in the House. Alabama, Arkansas, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Montana, Ohio, Oklahoma, South Carolina, Tennessee, Utah, and Wisconsin each have one fewer seat because of immigration, while Pennsylvania has two fewer seats.[4] This can only be described as a very significant impact on the political landscape in the United States. For the states involved, the loss of one or two seats represents a significant share of their political power in Washington.

Table 3 also shows that the loss of seats is very diffuse, with 15 states adversely affected by immigration. In contrast, only five states have gained seats from immigration, nine seats of which went to just one state — California. The fact that the political costs of immigration are so diffuse may help to explain why the loss of seats has not garnered more attention from political leaders in low-immigration states. Politically, issues that create diffuse costs tend to be overlooked because all those with a shared interest, in this case low-immigration states, must realize their shared interest and then work together to address the problem. Moreover, the fact that the impact of immigration is only felt every 10 years when seats are reapportioned must also play some role in reducing the political saliency of the issue. Nonetheless, the impact is still quite large even if the public and political leaders in low-immigration states are unaware of it. Moreover, the effects of immigration will continue to grow, assuming there is no change in U.S. immigration policy. Table 3 also shows that in 1990, the foreign born redistributed 12 seats in the House. If immigration continues at the current level, its effect will continue to grow.

Discussion

High Immigration Forces Redistribution. Immigrants are human beings and it must be remembered that they live where they choose once they enter the United States. If the foreign born were evenly spread throughout the country, they would have no impact on the distribution of House seats. However, during every wave of immigration in American history the foreign born have clustered in a few states and then moved out into the rest of the country very slowly. This process is a gradual one and the foreign born, legal or illegal, will continue to remain concentrated for decades. In 1990, the top six states of foreign settlement accounted for 73 percent of the total foreign born, while in 2000 these same six states accounted for 69 percent of the total. Thus the foreign born have become more dispersed, but not dramatically so. Of course, a much larger number of the foreign born now live outside of the top states of immigrant settlement than in 1990, but the foreign-born population in high-immigration states also grew significantly during the past decade. Illegal aliens are even more concentrated than the overall foreign born, according to the INS; two-thirds of illegals lived in just three states in 2000.

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We can also see the persistent pattern of concentration by looking at very long-term residents. In 2000, two-thirds of the foreign born who indicated in the Census that they have lived in the United States for more than 20 years still lived in just six states.

Although the foreign-born population will almost certainly continue to move out into new parts of the country, for decades to come there will continue to be states with very large foreign-born populations and other states with very small ones. Data collected two years after the Census show that there were still 16 states in which the foreign born population was less than 100,000. In contrast, there are only six states where it was larger than one million.[5] The redistributive effects of immigration are not just a result of its concentration, but also partly depend upon their shares of the total. A very large foreign-born population, even if it becomes more dispersed, can still have a significant impact on the distribution of House seats. As long as the number of immigrants (legal and illegal) entering remains at record levels, immigration will continue to redistribute political power in Washington. Alternatively, lower levels of immigration would mean a much smaller impact on the distribution of House seats.

Representing Non-Citizens in Congress. Although the political stakes for low-immigration states from continued record levels of immigration are clearly very significant, the related question of creating districts for non-citizens is equally important to consider. While there is a consensus that naturalized citizens should be represented in Congress just like any other American, awarding congressional seats to states on the basis of their non-citizen populations raises important questions about political representation. This is especially true when one considers that these districts are created by taking representation away from states comprised of American citizens. Non-citizens cannot vote, make campaign contributions, serve on juries, work for the federal government in most cases, or otherwise take part in the normal political life of the country. Thus, it may seem odd that they are "represented" in Congress. This issue becomes even more controversial when one considers that a large share of the non-citizen population, roughly one-third, are illegal aliens, and another one million are temporary visitors such as foreign students and guest workers. While one can at least argue that legal immigrants who have not naturalized are still entitled to representation in Congress because they are future Americans, illegal aliens and temporary visitors can make no such claim.

Non-Citizens vs. "One Man, One Vote." Taking away representation from states composed almost entirely of U.S. citizens so that new districts can be created in states with large numbers of non-citizens makes immigrant-induced reapportionment very different from reapportionment caused when natives relocate to other states. In the nine states that lost a seat because of the presence of non-citizens, only one in 50 residents is not a U.S. citizen. In contrast, one in seven residents is a non-citizen in California, which picked up six of the nine seats redistributed by non-citizens. In other states that also picked up seats, namely New York, Texas, and Florida, one in 10 residents is a non-citizen. As a result, it typically takes fewer votes to win a district in some high-immigration states. In 2002, it took 101,000 votes to win the typical House race in the nine states that lost a seat because of non-citizens, but it took only 68,000 votes to win the average district in California, 67,000 to win the average district in Texas, and 81,000 votes to win the typical district in New York. (These figures are derived by taking the average number of votes cast per district and then dividing by two to determine the minimum number of votes needed to win the district.)

Allowing in enormous numbers of immigrants has created a situation in which the votes of American citizens living in low-immigration districts count much less than those of citizens living in high-immigration districts.

The political distortions created by immigration are even more pronounced in some districts. For example, 43 percent of the people in California's immigrant-heavy 31st district are not U.S. citizens and in the 34th district, 38 percent are not. In Florida's 21st district, 28 percent of the population is made up of non-citizens; in New York's 12th district, 23 percent is non-citizen; in Texas' 29th district, the number stands at 22 percent.[6] The large number of non-citizens creates a very real tension with the principle of "one man, one vote" because it now takes so few votes to win a congressional seat in many high-immigration states. As already indicated, it takes about 100,000 voters to win the typical congressional race in the states that lost a seat due to non-citizens. In contrast, it took fewer than 33,000 votes to win the 34th district in California and only 34,000 to win the 31st. The 12th district of New York took only 42,000 votes to win. Allowing in enormous numbers of immigrants has created a situation in which the votes of American citizens living in low-immigration districts count much less than those of citizens living in high immigration districts.

Who Gains from This Process? While it's clear that American citizens in low-immigration states lose from mass immigration, the winners are not necessarily the non-citizens who cause the reapportionment, since they cannot vote or otherwise fully take part in the political process. Instead, it is citizens who live in the same districts with non-citizens whose political power is enhanced. Put simply, in a district in which a large share of the population cannot vote, those who do vote count more than citizens in districts where almost everyone is an American citizen. Large non-citizen populations take voting power from Americans and give it to other American citizens in high-immigration districts.

Can Non-Citizens Be Excluded? It may be tempting to think that the problem of reduced political representation for citizens can be solved by excluding non-citizens from the apportionment population. However, doing so causes a number of problems. Excluding non-citizens would first require authorizing specific Congressional legislation. Any political debate on this issue would be extremely acrimonious, as it would cost several states House seats. It would also require Congress to instruct the Census Bureau to significantly change the way the Census itself is admin-

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Table 4. Apportionment Population in 2000 and Populations Used to Construct Alternative Scenarios

State	Apportionment Population	Illegal Alien Population	Non-citizen Population	Foreign-Born Population
Alabama	4,461,130	22,632	55,572	87,772
Alaska	628,933	4,715	17,159	37,170
Arizona	5,140,683	266,869	462,239	656,183
Arkansas	2,679,733	25,461	51,635	73,690
California	33,930,798	2,083,087	5,390,989	8,864,255
Colorado	4,311,882	135,792	253,028	369,903
Connecticut	3,409,535	36,777	189,700	369,967
Delaware	785,068	9,430	25,846	44,898
Florida	16,028,890	317,791	1,463,326	2,670,828
Georgia	8,206,975	215,004	408,041	577,273
Hawaii	1,216,642	1,886	84,697	212,229
Idaho	1,297,274	17,917	42,877	64,080
Illinois	12,439,042	407,376	925,537	1,529,058
Indiana	6,090,782	42,435	115,551	186,534
Iowa	2,931,923	22,632	61,134	91,085
Kansas	2,693,824	44,321	89,972	134,735
Kentucky	4,049,431	14,145	52,702	80,271
Louisiana	4,480,271	4,715	59,783	115,885
Maine	1,277,731	825	16,439	36,691
Maryland	5,307,886	52,808	283,604	518,315
Massachusetts	6,355,568	82,041	435,366	772,983
Michigan	9,955,829	66,010	283,634	523,589
Minnesota	4,925,670	56,580	163,155	260,463
Mississippi	2,852,927	7,544	23,810	39,908
Missouri	5,606,260	20,746	89,410	151,196
Montana	905,316	825	6,914	16,396
Nebraska	1,715,369	22,632	50,720	74,638
Nevada	2,002,032	95,243	199,807	316,593
New Hampshire	1,238,415	825	28,393	54,154
New Jersey	8,424,354	208,403	794,023	1,476,327
New Mexico	1,823,821	36,777	97,503	149,606
New York	19,004,973	461,127	2,084,389	3,868,133
North Carolina	8,067,673	194,258	317,178	430,000
North Dakota	643,756	825	6,958	12,114
Ohio	11,374,540	37,720	169,984	339,279
Oklahoma	3,458,819	43,378	85,981	131,747
Oregon	3,428,543	84,870	192,321	289,702
Pennsylvania	12,300,670	46,207	250,952	508,291
Rhode Island	1,049,662	15,088	63,093	119,277
South Carolina	4,025,061	33,948	72,995	115,978
South Dakota	756,874	825	8,043	13,495
Tennessee	5,700,037	43,378	105,819	159,004
Texas	20,903,994	981,663	1,985,316	2,899,642
Utah	2,236,714	61,295	110,486	158,664
Vermont	609,890	825	10,794	23,245
Virginia	7,100,702	97,129	337,512	570,279
Washington	5,908,684	128,248	356,809	614,457
West Virginia	1,813,077	825	8,944	19,390
Wisconsin	5,371,210	38,663	117,528	193,751
Wyoming	495,304	825	6,084	11,205
Total	**281,424,177**	**6,595,342**	**18,513,752**	**31,034,328**

istered. For example, the citizenship question is part of the Census "long form" which is received by only 15 percent of the population. This question would have to be moved to the short form in order to exclude non-citizens. Of course, there is always the question of the accuracy of Census responses. If persons are going to be excluded based on their answers, which is not the case now, accuracy becomes a much larger and more controversial issue. In addition, any attempt to exclude non-citizens would have to be ruled constitutional by the courts. At present it is not clear whether the Constitution requires non-citizens to be counted for apportionment, but it is clear that any attempt to exclude them would result in years of litigation.[7]

Can Illegal Aliens Be Excluded? Excluding only illegal aliens from apportionment, while perhaps politically popular and appealing from a fairness point of view, would be even more difficult than excluding all non-citizens. The INS, Census Bureau, and other researchers estimate the number of illegal aliens by comparing the demographic characteristics of those responding to the Census to administrative data on legal admissions. While such methods produce reasonably accurate estimates of the illegal population overall, they do not definitively identify individual illegal aliens in the Census. Any efforts to pick out specific individuals are really only educated guesses that would almost certainly not pass constitutional muster with the courts. It is possible to simply ask all respondents if they are illegal aliens, but it seems certain that many, if not most, illegals would probably not identify themselves as such. Trying to exclude illegal aliens or even all non-citizens may seem like a solution to the problem, but doing so is impractical.

Encouraging Citizenship. One potential solution to the problem of citizens losing representation is to encourage those who are eligible for citizenship to naturalize. Perhaps classes designed to teach immigrants English and civics that also help to guide them through the citizenship process could increase the share who naturalize. Of course, such a program would not change the fact that low-immigration states would still lose political power, but at least it would mean immigration-induced reapportionment would not take representation from citizens. Even the most optimistic assumption about the impact of such efforts still leaves an enormous number of non-citizens. Illegal aliens are not eligible for citizenship, nor are long-term, temporary visitors. Moreover, as long as one million or more new legal immigrants are allowed to enter the country each year, the non-citizen population will continue to be very large even if every new

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immigrant naturalizes as soon as they reach the five-year time requirement for naturalization. A recent study of naturalization showed that if every eligible immigrant naturalized, there still would have been about 15 million non-citizens (illegal aliens, legal immigrants, and long-term visitors) in 2002.[8] Thus, the problem of citizens losing representation would remain even if naturalization rates increased dramatically, though more naturalizations would certainly help to alleviate at least some of the distortions created by districts with large non-citizen populations.

Conclusion

Given the large number of immigrants allowed into the country and their concentration in a handful of states, it is inevitable that immigration will exact a political cost from those states that receive relatively few immigrants. Because family relationships and existing cultural ties determine where immigrants live, movement into new areas will take many decades. Thus, immigrants will continue to be concentrated in only a few states, and this in turn will continue to shift political power in the House of Representatives and the Electoral College. It should be added that the estimates in this Backgrounder significantly understate the effects of immigration overall because they do not include estimates for the effect U.S.-born children of immigrants have on the distribution of House seats. If such estimates were included, the impact of immigration would be even greater.

It is important, then, when making decisions regarding immigration policy, to take into account not only the economic, fiscal, cultural, and demographic impacts of immigration, but also the political impact, part of which is the realignment of power in Congress away from states receiving relatively few immigrants. In addition to this realignment, careful consideration should also be given to the loss of representation suffered by citizens in low-immigration states. Trying to deal with this problem by excluding non-citizens, legal or illegal, would be very difficult politically and is probably impossible as a practical matter. Moreover, it would result in many years of litigation as the courts determined its constitutionality. Encouraging legal immigrants who are not citizens to naturalize would help to alleviate at least some of the problem. Of course, increased naturalizations would have no impact on the problem created by the presence of illegal aliens. In addition, as long as one million or more new legal immigrants are allowed in annually, the non-citizen population will always be very large even if new immigrants naturalize as soon as they reach the five-year time requirement.

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Since the amount of redistribution is a direct consequence of the level of immigration, a more moderate level of immigration would produce less immigration-based reapportionment. Given the apparent remoteness of the other effects of immigration on low-immigrant states, citizens of such states and their elected representatives need to be particularly sensitive to the political costs of immigration. The country faces a choice: either continue to have record amounts of illegal immigration and therefore continue to redistribute seats away from states comprised mostly of American citizens to states with large numbers of illegal and legal immigrants, or better enforce immigration laws so as to reduce if not eliminate illegal immigration.

Endnotes

[1] Estimates contained in the INS report on unauthorized immigration indicates that 6.6 million illegals were likely captured in the 2000 Census. The report's author, Robert Warren, also confirmed this estimate in a telephone conversation on September 10, 2003. www.immigration.gov/graphics/shared/aboutus/statistics/Ill_Report_1211.pdf

[2] Work done by the Census Bureau indicates that nearly 800,000 to 1.2 million temporary visa holders were included in the Census. www.census.gov/dmd/www/pdf/Report1.pdf

[3] These results are the same as those obtained by Marta Tienda in her November 2002 article in *Demography* entitled "Demography and the Social Contract," pages 587-616. /muse.jhu.edu/journals/demography/toc/dem39.4.html

[4] ibid.

[5] Steven A. Camarota."Immigrants in the United States - 2002: A Snapshot of America's Foreign-Born Population." www.cis.org/articles/2002/back1302.html

[6] These figures come from the Census Bureau's American Community Survey collected in 2002. www.census.gov/acs/www/Products/index.htm

[7] Several lower court rulings in New York and California dealing with local elections suggest that non-citizens must be included in the apportionment population. However, if non-citizens were excluded from the apportionment population used for the House and the Electoral College, the issue would ultimately be decided by the Supreme Court, which has not yet ruled on the issue.

[8] The report from the Urban Institute found that in 2002 there were an estimated 11 million naturalized citizens and eight million additional individuals who were eligible to be naturalized out of the total foreign-born population estimated by the Institute at 34 million. www.urban.org/UploadedPDF/310847_trends_in_naturalization.pdf

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Backgrounder

Remaking the Political Landscape

The Impact of Illegal and Legal Immigration on Congressional Apportionment

By Dudley L. Poston, Jr., Steven A. Camarota, and Amanda K. Baumle

The United States is currently experiencing the largest wave of immigration in its history. By the end of the 1990s, at least 1.7 million legal and illegal immigrants were arriving each year, leading to a total foreign-born population of over 31 million by 2000. A little noticed effect is the way in which immigration impacts the distribution of seats in the U.S. House of Representatives. Apportionment is based on each state's total population — including illegal aliens and other non-citizens — relative to the rest of the country. This report examines the redistribution of seats caused by immigration. To measure the specific impact of illegal immigration we rely on state estimates prepared by the Immigration and Naturalization Service (INS), which indicate that almost seven million illegal aliens were counted in the 2000 Census. The report shows that many low-immigration states that might seem unaffected by immigration are in fact experiencing a significant erosion of their political influence in Washington.

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